

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

<b>IN RE:</b>	:	<b>CASE NO: 20-21593-JRS</b>
	:	<b>CHAPTER: 13</b>
	:	
<b>GLENN MICHAEL HEAGERTY, JR.</b>	:	
<b>Debtor</b>	:	
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<b>WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-E,</b>	:	
<b>Movant,</b>	:	
	:	<b>CONTESTED MATTER</b>
<b>vs.</b>	:	
	:	
<b>GLENN MICHAEL HEAGERTY, JR.</b>	:	
<b>NANCY J. WHALEY, Trustee</b>	:	
<b>Respondents.</b>	:	

**OBJECTION TO CONFIRMATION**

COMES NOW, Wilmington Savings Fund Society, FSB, as Owner Trustee of the Residential Credit Opportunities Trust V-E, its successors or assigns, (hereinafter referred to as “Movant”) and shows the Court that for reasons set out below, Movant objects to the confirmation of the Debtor’s Plan;

1.

Movant asserts that it holds the first mortgage on Debtor’s property located at 2890 Willow Wisp Way Cumming, GA 30040 (hereinafter referred to as “Property”). The Debtor lists his principle residence as 2890 Willow Wisp Way Cumming, GA 30040 (see “Voluntary Petition” at Dkt. no. 1).

2.

Movant will timely file a Proof of Claim, on or before the Proof of Claim Bar Date,

listing arrearages totaling approximately \$130,149.93. The Debtor's Plan lists Movant's claim as \$192,000, values the property at \$0 and lists an interest rate of 0% in section 3.2 of the Plan. Movant's lien is not set to mature until May 1, 2038.

3.

Movant objects to this treatment as an impermissible modification pursuant to 11 U.S.C. §1322(b)(5). Therefore, Movant objects to the Plan in its current form and requests that confirmation of the Plan be denied.

WHEREFORE, Wilmington Savings Fund Society, FSB, as Owner Trustee of the Residential Credit Opportunities Trust V-E, its successors or assigns, prays that this Court inquire as to the matters raised herein and deny confirmation of the Debtor's Plan, or enter such orders and require such further inquiry as may appear appropriate to the Court.

Dated: 1/6/21

/s/ Lisa F. Caplan

Lisa F. Caplan  
GA State Bar No. 001304  
Rubin Lublin, LLC  
3145 Avalon Ridge Place, Suite 100  
Peachtree Corners, GA 30071  
(877) 813-0992  
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Attorney for Creditor

**CERTIFICATE OF SERVICE**

I, Lisa F. Caplan of Rubin Lublin, LLC certify that I caused a copy of the Objection to Confirmation to be filed in this proceeding by electronic means and to be served by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

Glenn Michael Heagerty, Jr.  
2890 Willow Wisp Way  
Cumming, GA 30040

Nancy J. Whaley, Trustee  
303 Peachtree Center Avenue  
Suite 120, Suntrust Garden Plaza  
Atlanta, GA 30303

Executed on: 1/5/21

By: /s/ Lisa F. Caplan  
Lisa F. Caplan  
GA State Bar No. 001304  
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